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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,817	11/10/2003	Barbara Hein	613-001	6956

7590 07/25/2005

The Halvorson Law Firm  
Ste 1  
405 W. Southern Ave.  
Tempe, AZ 85282

EXAMINER

PUROL, SARAH L

ART UNIT PAPER NUMBER

3634

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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AUG 03 2005

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/706,817	HEIN, BARBARA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sarah Purol	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/10/03</u> | 6) <input type="checkbox"/> Other: ____  |

4

Art Unit: 3634

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-4 dependent on claim 1 refer to the base element which has not positively been claimed. As such, the claims are indefinite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 (in so far as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Baudino 5,743,414.

Note clamp elements, best seen in figures 4 and 5. Note leg elements 50,51; holding elements 42,43.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Similar clamping elements are illustrated by Bartleman 2,615,577; Bisping 4,119,285.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Purol whose telephone number is 571-272-6834. The examiner can normally be reached on Mon. Tue. Thurs. For general questions relating to this application please e-mail the examiner at Sarah.Purol@USPTO.GOV.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sarah Purol  
Primary Examiner  
AU 3634

**Form PTO - 1449 (Modified)**

<b>FORM PTO-1449</b> <b>U.S. DEPARTMENT OF</b> <b>COMMERCE</b> (Modified) <b>OFFICE</b>  <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (Use several sheets if necessary) (37 CFR 1.98(b))	<b>PATENT AND TRADEMARK</b>	<b>ATTY. DOCKET NO.</b>  613-001	<b>SERIAL NO.</b>     <b>APPLICANT</b> Hein <b>FILING DATE</b>    <b>GROUP</b>
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**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
<i>B</i>	3,471,987	10/14/69	Yelsma			
	<del>4,359,772</del>	<del>7/3/79</del>	<del>Losenno</del>	<del>NOT</del>	<del>LOSENNO</del>	
<i>B</i>	4,061,299	12/6/77	Kurosaki			
<i>B</i>	4,240,604	12/23/80	Brach			
<i>B</i>	4,728,071	3/1/88	Salacuse			
<i>B</i>	4,624,432	11/25/86	Salacuse			
<i>B</i>	4,527,760	7/9/85	Salacuse			
<i>B</i>	4,871,074	10/3/89	Bryson et al.			

**FOREIGN PATENT OR PUBLISHED FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	NAME	CLASS	SUBCLASS	TRANSLATION YES NO

**OTHER DOCUMENTS (Including Author, Title, Date "", Relevant Pages, Place of Publication "")**


<b>EXAMINER</b> <i>Sarah Paul</i>	<b>DATE CONSIDERED</b> <i>7/19/05</i>
--------------------------------------	--

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Notice of References Cited**Application/Control No.  
10/706,817Applicant(s)/Patent Under  
Reexamination  
HEIN, BARBARAExaminer  
Sarah PürolArt Unit  
3634

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,119,285	10-1978	Bisping et al.	248/72
	B	US-2,615,577	10-1952	RICHARD BARTLEMAN	211/70.6
	C	US-5,743,414	04-1998	Baudino, Rodney Jay	211/69.1
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.